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**Re: Carriage of the Transmissions of Digital Television
Broadcast Stations, Amendments to Part 76 of the
Commission's Rules, CS Docket No. 98-120**

On behalf of Atlanta Interfaith Broadcasters, Inc., I transmit for filing in the above-referenced proceeding an original and nine copies of its comments.

James H. Johnston

James H. Johnston

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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, D.C. 20554

In re:)	
)	
)	
Carriage of the Transmissions)	CS Docket No.98-120
of Digital Television Broadcast Stations)	
)	
Amendments to Part 76)	
of the Commission's Rules)	

COMMENTS OF ATLANTA INTERFAITH BROADCASTERS, INC.

Atlanta Interfaith Broadcasters, Inc. ("AIB") by counsel submits these Comments in response to the Commission's Notice of Proposed Rulemaking of July 10, 1998 in this docket.

Summary

AIB is a local, independent cable programmer in Atlanta. It competes with broadcast stations for cable carriage. AIB opposes devoting additional cable channels to must carry. AIB specifically opposes the proposal in the Notice that both analog and digital signals be given must carry rights. This proposal cannot be justified under the standards set in Turner Broadcasting v. FCC, 117 S. Ct. 1174 (1997).

Argument

As its name implies, AIB is a nonprofit organization that serves the communications needs of member religious organizations. AIB secures free carriage of its signal on cable in the Atlanta metropolitan area and distributes the signal to cable system headends by fiber optic cable and microwave. AIB's signal reaches over 600,000 cable households 24 hours per day.

AIB's programming is of two types. First is member programming. Member churches, synagogues, and mosques in Atlanta buy time from AIB on a not-for-profit basis in order to get programming of their choosing distributed to cable viewers. This provides local churches with an alternate way to reach their congregation. Some members produce programming themselves, such as their weekly church service, while others use programming produced and distributed nationally. AIB's programming guidelines stipulate that programming must be tolerant of other faiths and must not solicit funds. All faiths in Atlanta -- Presbyterian, Episcopal, Baptist, Methodist, Catholic, evangelical, Jewish, and Moslem -- are members of AIB and provide programming.

Second, AIB itself produces news, community affairs, and public service programming. AIB's programming is noted for providing an important, unique alternative to similar programs on the broadcast stations in Atlanta. For example, AIB has produced regular programs aimed at the information needs of seniors citizens.

Must carry has always posed the obvious threat to AIB that cable systems, which have limited capacity, will drop AIB in order to make room for a must carry broadcast station. Indeed, earlier this year AIB was dropped from a cable system that needed to add a new must carry station. To the extent that cable systems must carry broadcast stations, cable access for a free, local, noncommercial programmer like AIB is made more difficult.

The religious nature of AIB's programming raises additional difficulties for AIB under must carry. There are two must carry television stations in Atlanta, WHSG and WATC, that broadcast predominantly religious programming. Most cable viewers in Atlanta have preferred AIB's noncommercial, interfaith programming to the commercial religious programming of the

broadcast stations. Before must carry took effect, AIB was carried on most of the Atlanta cable systems; the religious broadcast stations in Atlanta were not carried. Nonetheless, cable operators have been understandably reluctant to continue to carry AIB when commercial, religious stations must be added.

Thus, AIB strongly opposes requiring cable systems to devote any more channels to broadcast stations. It specifically opposes the proposal contained in the Notice that both analog and digital broadcast stations might be given must carry rights. Expanding the number of must carry stations will cause substantial harm to nonbroadcast cable programmers, including local programmers like AIB. There simply is not enough cable channel capacity. Doubling the number of broadcast stations on cable would almost certainly mean that AIB would be dropped from cable and might be forced to discontinue its local, religious programming service. The Commission proposal in this regard would be patently unfair and contrary to the public interest.

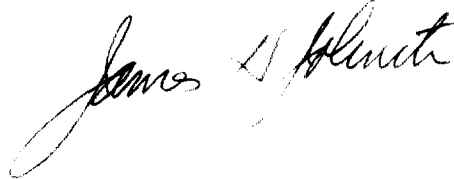
Furthermore, AIB suggests that requiring carriage of both analog and digital signals during the transition period is constitutionally infirm. To pass constitutional muster under the standards set down in Turner Broadcasting v. FCC, 117 S. Ct. 1174 (1997), there must be a finding that broadcasters will "suffer financial harm and possible ruin" unless both analog and digital signals are carried.

Congress has not made such a prediction. The Commission originated the idea. Yet doubling the number of must carry stations on cable will drastically curtail free speech rights. Nonbroadcast programmers like AIB will be dropped from cable carriage and discontinue operations. Therefore, to comply with Turner, the Commission must develop a full factual

record with substantial evidence to support the proposition that broadcasters will suffer financial harm and possible ruin unless carriage of both analog and digital signals is mandated.

For these reasons, AIB suggests that required carriage of analog and digital signals is both unfair and unconstitutional. Cable channel capacity in Atlanta remains limited. Adding more must carry signals will cause independent, local programmers like AIB to be dropped from cable and to discontinue programming.

Respectfully submitted,
ATLANTA INTERFAITH BROADCASTERS, INC.
By: James H. Johnston, Esq.

A handwritten signature in cursive script, appearing to read "James H. Johnston".

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